

**PROOF**

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**STATE OF IOWA**

# **House Journal**

**TUESDAY, MARCH 29, 2011**

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(The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 29, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Reverend Stephen Bibb and Reverend Linda Hansen Bibb from First United Methodist Church, Ft. Dodge and Asbury United Methodist Church, Webster City. They were the guests of Representatives H. Miller of Webster County and Iverson of Wright County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Delaney Olson, Page from Mt. Vernon.

The Journal of Monday, March 28, 2011 was approved.

On motion by Upmeyer of Hancock, the House was recessed at 8:43 a.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened at 4:07 p.m., Speaker Paulsen in the chair.

### INTRODUCTION OF BILLS

[House File 662](#), by Chambers, a bill for an act relating to the statutory natural resources and outdoor recreation trust fund and the sales tax rate imposed on the sale of tangible personal property and the furnishing of enumerated services and including effective date provisions.

Read first time and referred to committee on **ways and means**.

[House File 663](#), by Sweeney, a bill for an act providing a sales tax exemption for the sales price of certain sales of clay and paper targets and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

The House stood at ease at 4:07 p.m., until the fall of the gavel.

The House resumed session at 5:26 p.m., Speaker Paulsen in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie on request of Upmeyer of Hancock.

#### CONSIDERATION OF BILLS Regular Calendar

[House File 470](#), a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable, was taken up for consideration.

Iverson of Wright offered amendment [H-1469](#) filed by him and moved its adoption.

Amendment [H-1469](#) was adopted, placing out of order the following amendments:

[H-1109](#) filed by Baudler of Adair on March 2, 2011.

[H-1291](#) filed by Iverson of Wright on March 14, 2011.

[H-1294](#) filed by Wenthe of Fayette on March 14, 2011.

[H-1298](#) filed by Alons of Sioux on March 14, 2011.

[H-1300](#) filed by Alons of Sioux on March 15, 2011.

[H-1303](#) filed by Mascher of Johnson on March 15, 2011.

#### [SENATE FILE 240](#) SUBSTITUTED FOR [HOUSE FILE 470](#)

Iverson of Wright asked and received unanimous consent to substitute [Senate File 240](#) for [House File 470](#).

[Senate File 240](#), a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable, was taken up for consideration.

Alons of Sioux offered amendment [H-1463](#) filed by him and moved its adoption.

A non-record roll call was requested.

The ayes were 16, nays 54.

Amendment [H-1463](#) lost.

Iverson of Wright asked and received unanimous consent to withdraw amendment [H-1474](#) filed by him on March 28, 2011.

Mascher of Johnson asked and received unanimous consent to withdraw amendment [H-1464](#) filed by her on March 28, 2011.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 240](#))

The ayes were, 94:

Abdul-Samad	Anderson	Arnold	Baltimore
Berry	Byrnes	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtaovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz

Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 5:

Alons	Baudler	Chambers	Kaufmann
Pearson			

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### [HOUSE FILE 470](#) WITHDRAWN

Iverson of Wright asked and received unanimous consent to withdraw [House File 470](#) from further consideration by the House.

[House File 615](#), a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility, and providing penalties, was taken up for consideration.

#### [SENATE FILE 124](#) SUBSTITUTED FOR [HOUSE FILE 615](#)

Fry of Clarke asked and received unanimous consent to substitute [Senate File 124](#) for [House File 615](#).

[Senate File 124](#), a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties, was taken up for consideration.

Fry of Clarke moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” ([S.F. 124](#))

The ayes were, 82:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Hein	Helland
Horbach	Huseman	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kelley
Klein	Koester	Kressig	Lofgren
Lukan	Lykam	Massie	Miller, H.
Miller, L.	Moore	Muhlbauer	Olson, S.
Olson, T.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Swaim	Sweeney	Taylor, J.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wittneben
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 17:

Berry	Heddens	Hunter	Isenhardt
Kearns	Lensing	Mascher	McCarthy
Murphy	Oldson	Olson, R.	Petersen
Steckman	Taylor, T.	Wessel-Kroeschell	Winckler
Wolfe			

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### [HOUSE FILE 615](#) WITHDRAWN

Fry of Clarke asked and received unanimous consent to withdraw [House File 615](#) from further consideration by the House.

## IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 124 and 240.**

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 7](#), a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Also: That the Senate has on March 29, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 233](#), a bill for an act relating to payment for behavioral health services provided by licensed mental health counselors and certified alcohol and drug counselors under the Medicaid program.

Also: That the Senate has on March 29, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 321](#), a bill for an act relating to wastewater discharges by on-farm processing operations.

Also: That the Senate has on March 29, 2011, passed the following bill in which the concurrence of the House is asked:

[Senate File 513](#), a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

Also: That the Senate has on March 29, 2011, passed the following bill in which the concurrence of the House is asked:

[Senate File 514](#), a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

Also: That the Senate has on March 29, 2011, passed the following bill in which the concurrence of the House is asked:

[Senate File 515](#), a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

MICHAEL E. MARSHALL, Secretary

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 28, 2011. Had I been present, I would have voted "aye" on House Files 596, 607 and 616.

GASKILL of Wapello

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 29<sup>th</sup> day of March, 2011: House Files 245, 267 and 617.

W. CHARLES SMITHSON  
Chief Clerk of the House

Report adopted.

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 29, 2011, he approved and transmitted to the Secretary of State the following bills:

[House File 267](#), an Act relating to the historical division of the Department of Cultural Affairs, including the identification of historic properties by certain rural electric cooperatives and including effective date provisions.

## SUBCOMMITTEE ASSIGNMENTS

[House File 513](#)

Ways and Means: Helland, Chair; Jacoby and Sands.

[House File 641](#)

Ways and Means: Helland, Chair; Jacoby and Sands.

[House File 650](#)

Ways and Means: Helland, Chair; Sands and Willems.



[Senate File 192](#)

Ways and Means: Helland, Chair; Jacoby and Sands.

[Senate File 260](#)

Ways and Means: Paustian, Chair; Quirk and Soderberg.

[Senate File 261](#)

Ways and Means: Paustian, Chair; Helland and Willems.

[Senate File 285](#) Reassigned  
(Committee of the Whole)

Labor: Moore, Chair; Brandenburg, Deyoe, Forristall, Hanusa, Horbach, Hunter, Jorgensen, Kearns, Klein, L. Miller, Murphy, Running-Marquardt, Schultz, T. Taylor, Watts and Willems.

[Senate File 302](#)

Ways and Means: Cownie, Chair; Grassley and Petersen.

[Senate File 312](#)  
(Committee of the Whole)

Transportation: Iverson, Chair; Arnold, Cohoon, Garrett, Hall, Hanson, Huseman, Lykam, Massie, Murphy, Pearson, Petersen, Rasmussen, Rogers, Tjepkes, Van Engelenhoven, Watts, Wenthe, Windschitl, Wolfe and Worthan.

[Senate File 471](#)

State Government: Iverson, Chair; Kajtazovic and Rogers.

[Senate File 490](#)

State Government: Iverson, Chair; Rogers and T. Taylor.

[Senate File 506](#)

Ways and Means: Moore, Chair; Petersen and Pettengill.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 227](#)

Ways and Means: Vander Linden, Chair; De Boef and Kajtazovic.

[House Study Bill 228](#)

Ways and Means: Helland, Chair; Kearns and Sands.

[House Study Bill 229](#)

Ways and Means: Moore, Chair; Helland and Petersen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 230](#) **Judiciary**

To urge the members of the Congress of the United States to propose a parental rights amendment to the Constitution of the United States for submission to the states for ratification.

[H.S.B. 231](#) **Ways and Means**

Relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

[H.S.B. 232](#) **Ways and Means**

Relating to disaster relief by creating an Iowa disaster relief fund and income tax checkoff, providing an appropriation, and including retroactive applicability provisions.

[H.S.B. 233](#) **Ways and Means**

Providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON  
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

[Senate File 510](#), a bill for an act relating to and making appropriations to the justice system.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-1481](#) March 29, 2011.

[Senate File 511](#), a bill for an act relating to and making appropriations to the judicial branch.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-1480](#) March 29, 2011.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

[Senate File 407](#), a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-1462](#) March 24, 2011.

#### COMMITTEE ON LABOR

[Senate File 285](#), a bill for an act relating to employment services laws administered by the division of labor services of the department of workforce development.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 2011.

#### COMMITTEE ON PUBLIC SAFETY

[Senate File 462](#), a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-1486](#) March 29, 2011.

#### COMMITTEE ON STATE GOVERNMENT

[Senate File 438](#), a bill for an act relating to licensing by reciprocity for dentists.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 2011.

## COMMITTEE ON TRANSPORTATION

[Senate File 312](#), a bill for an act concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-1490](#) March 29, 2011.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly [House Study Bill 222](#)), increasing the maximum aggregate amount of tax credits that may be issued under the fund of funds program.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 2011.

## RESOLUTION FILED

[HR 35](#), by Isenhardt, Hall, Swaim, Heddens, Muhlbauer, Hunter, Jacoby, Kajtazovic, T. Taylor, Willems, Wittneben, Kressig, Kearns, Kelley, Lensing, Wessel-Kroeschell, Winckler, Lykam, Cohoon, Abdul-Samad, Mascher, M. Smith, H. Miller, Steckman, and Wolfe, a resolution urging Congress to preserve funding for workforce development and education programs.

Laid over under **Rule 25**.

## AMENDMENTS FILED

<a href="#">H-1462</a>	<a href="#">S.F. 407</a>	Committee on Environmental Protection
<a href="#">H-1477</a>	<a href="#">H.F. 642</a>	Huseman of Cherokee
<a href="#">H-1478</a>	<a href="#">H.F. 581</a>	Lofgren of Muscatine
<a href="#">H-1480</a>	<a href="#">S.F. 511</a>	Committee on Appropriations
<a href="#">H-1481</a>	<a href="#">S.F. 510</a>	Committee on Appropriations
<a href="#">H-1482</a>	<a href="#">H.F. 591</a>	Sweeney of Hardin
<a href="#">H-1483</a>	<a href="#">S.F. 406</a>	Garrett of Warren
<a href="#">H-1484</a>	<a href="#">S.F. 406</a>	Garrett of Warren
		Anderson of Page
<a href="#">H-1485</a>	<a href="#">S.F. 508</a>	Rogers of Black Hawk

<a href="#"><u>H-1486</u></a>	<a href="#"><u>S.F. 462</u></a>	Committee on Public Safety
<a href="#"><u>H-1487</u></a>	<a href="#"><u>S.F. 177</u></a>	Committee on Public Safety
<a href="#"><u>H-1488</u></a>	<a href="#"><u>H.F. 655</u></a>	Soderberg of Plymouth
<a href="#"><u>H-1489</u></a>	<a href="#"><u>H.F. 661</u></a>	Isenhart of Dubuque
<a href="#"><u>H-1490</u></a>	<a href="#"><u>S.F. 312</u></a>	Committee on Transportation
<a href="#"><u>H-1491</u></a>	<a href="#"><u>H.F. 656</u></a>	Petersen of Polk
<a href="#"><u>H-1492</u></a>	<a href="#"><u>H.F. 656</u></a>	Petersen of Polk

On motion by Upmeyer of Hancock the House adjourned at 5:45 p.m., until 8:30 a.m., Wednesday, March 30, 2011.